

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2020 OCT 26 PM 1:23

CLERK

BY AW
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JUSTIN RUSSELL,

Plaintiff,

v.

Case No. 5:15-cv-126

ANDREW PALLITO, CYNTHIA MASON,
RICHARD BILODEAU, LISA MENARD,
ROBERT ARNELL and MICHAEL
TOUCHETTE,

Defendants.

ORDER WITHDRAWING FINAL JUDGMENT

This long-running case concerns plaintiff's claims that his right to follow the dictates of his Muslim faith were violated by Vermont Department of Corrections personnel who provided kosher meals instead of Halal meals.

In February 2020, Mr. Russell was released from Department of Corrections custody.

In May 2020, the court accepted the Report and Recommendation filed by Magistrate Judge Conroy recommending that Plaintiff's Renewed Motion to Certify Class Action be DENIED as MOOT.

In September 2020, the District Court issued a final judgment order dismissing the case without prejudice on grounds that since plaintiff was no longer incarcerated, he lacked standing to seek injunctive relief concerning the provision of kosher meals to Muslim prisoners. This was a mistake. The court overlooked its own ruling in 2017 that plaintiff had a potential claim for compensatory relief. (Doc. 69).

The court withdraws the final judgment order and will schedule a pre-trial conference to determine how the parties wish to proceed with the remaining section 1983 claim for nominal damages or for other damages responsive to plaintiff's claim of spiritual injury.

Dated at Burlington, in the District of Vermont, this 26th day of October, 2020.

A handwritten signature in black ink, appearing to read 'Geoffrey W. Crawford', is written over a horizontal line.

Geoffrey W. Crawford, Chief Judge
United States District Court